

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>A02P2023P</b>	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. <b>PCT/SE 03/01289</b>	International filing date ( <i>day/month/year</i> ) <b>19.08.2003</b>	Priority date ( <i>day/month/year</i> ) <b>30.09.2002</b>
International Patent Classification (IPC) or both national classification and IPC <b>A61N1/368</b>		
Applicant <b>ST. JUDE MEDICAL AB et al.</b>		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of    sheets.

3. This report contains indications relating to the following items:

- I    ☒ Basis of the opinion
- II   ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V   ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand  <b>28.02.2005</b>	Date of completion of this report  <b>31.03.2005</b>
Name and mailing address of the international preliminary examining authority:  <div style="display: flex; align-items: center;"> <div> European Patent Office  D-80298 Munich  Tel. +49 89 2399 - 0 Tx: 523656 epmu d  Fax: +49 89 2399 - 4465 </div> </div>	Authorized Officer  <b>Kempin, H-F</b>  Telephone No. +49 89 2399-2716



18/540604

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/SE 03/01289

JC20 Rec'd PCT/PTO 27 JUN 2005

## I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

### Description, Pages

1-6 as published

### Claims, Numbers

1-6 as published

### Drawings, Sheets

1/2, 2/2 as published

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/SE 03/01289**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-6
	No: Claims	
Inventive step (IS)	Yes: Claims	1-6
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-6
	No: Claims	

2. Citations and explanations

**see separate sheet**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

Reference is made to the following document:

D1: WO-A-98/26839.

The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and shows an implantable pacemaker having the features of the first part of claim 1.

The subject-matter of claim 1 differs from this known pacemaker in that atrial distention is measured through said atrial impedance measurement; and in that the ventricular pacing rate is increased so as to decrease said atrial distention when an atrial arrhythmia is present.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as to improve the known pacemaker so that, in case of atrial arrhythmia, return to normal sinus rhythm is facilitated.

The solution to this problem as proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons: The available prior art is completely silent with respect to evaluation of measured atrial impedance such that atrial distention is obtained. Furthermore, there is no hint to increase the ventricular pacing rate so that the atrial distention -which is increased during atrial arrhythmia- is decreased. This decrease of atrial distention improves return to normal sinus rhythm.

Claims 2-6 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.